


RECEIVED

 **KILPATRICK
STOCKTON LLP**
Attorneys at Law

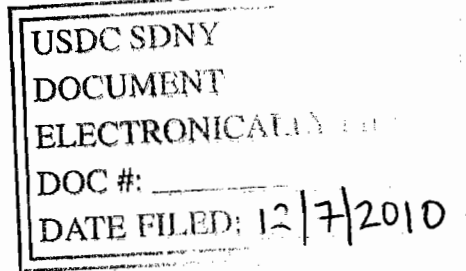
31 West 52nd Street
14th Floor
New York, NY 10019
t 212 775 8700 f 212 775 8800
www.KilpatrickStockton.com

December 6, 2010

direct dial 212 775 8715
direct fax 212 775 8815
jpetersen@kilpatrickstockton.com

By Hand

Honorable Denise Cote
United States District Judge
United States Courthouse
500 Pearl Street, Room 1040
New York, New York 10007



Re: *In re Application of AT&T Wireless f/k/a Cingular Wireless*, 09 Civ. 7072, related
to *United States v. Am. Soc'y of Composers, Authors & Publishers*, 41 Civ. 1395

Dear Judge Cote:

We represent AT&T Mobility in the above-referenced litigation. We write with ASCAP's consent to request that the Court suspend the requirement that the parties meet with Magistrate Judge Dolinger in connection with their efforts to finalize the agreements implementing the binding term sheet that settled this proceeding. As explained in more detail below, the parties request the suspension because there presently are no issues that are ripe for presentation to Judge Dolinger.

Your Honor's October 26, 2010 Scheduling Order required the parties to "contact the chambers of Magistrate Judge Dolinger immediately in order to schedule settlement discussions under his supervision to occur the week of November 29 or as soon as possible thereafter." In accordance with Your Honor's Order, the parties scheduled a December 8 settlement conference before Judge Dolinger.

As the Court is aware from the parties' recent communications, the parties have made great progress in resolving the outstanding issues. The few remaining issues concern how certain specific AT&T Mobility content provider relationships should be valued. With respect to this issue, ASCAP has raised a threshold confidentiality issue with Your Honor which is now set to be addressed on December 16.

In view of the fact that other than the confidentiality issue that is before Your Honor, there are no open settlement issues, AT&T Mobility and ASCAP respectfully request that Your Honor suspend the requirement that they conduct a settlement conference under Judge

US2008 1734141 I

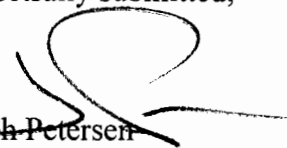
ATLANTA AUGUSTA CHARLOTTE DUBAI NEW YORK OAKLAND RALEIGH STOCKHOLM WASHINGTON WINSTON-SALEM

Honorable Denise Cote
December 6, 2010
Page 2

Dolinger's supervision. Consistent with this request, the parties are simultaneously requesting an adjournment from Judge Dolinger.

We thank the Court for its attention to this matter.

Respectfully submitted,


Joseph Petersen

cc: David Leichtman, Esq.
Hillel I. Parness, Esq.
Joseph M. Beck, Esq.
W. Andrew Pequignot, Esq.

Granted.

Denise Cote
Dec. 6, 2010